

Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG
NAO-2006-5360 (06-V1058)

9/5/2006

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

James City County
Post Office Box 8784
Williamsburg, Virginia 23187

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located near 122 Watford Road in a headwater tributary to College Creek in James City County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to impact 362 linear feet of intermittent stream, 70 linear feet of perennial stream, and 0.003 acres of wetlands to construct a regional storm water pond. This is the second request for storm water treatment facilities in this location. In February 2006, we received a preconstruction notification and request for authorization under Nationwide Permit Number 18 to impact 106 linear feet of intermittent stream for construction of a fore bay. The stated project purpose was to improve water quality before it enters College Creek, to treat storm water from the Bay Area Aging Senior Housing Project, and treat storm water from road improvements to Watford Lane. This project was authorized and has since been constructed. In May 2006, we received an application for a regional storm water facility adjacent to the fore bay. The stated project purpose for the regional storm water pond was to improve water quality before it enters College Creek, treat storm water from an existing suburban neighborhood and the Bay Area Aging Senior Housing Project and improvements to Ironbound Road. Neither request referenced the other.

Additional information received from the applicant stated that the fore bay was specifically constructed to support the Bay Aging Senior Housing Project and Road improvements to Watford Lane and treats a 3.6 acre drainage area. The proposed regional storm water facility would treat a 20 acre drainage area which includes planned storm water improvements to Ironbound Road. Construction of regional facility would impact 362 linear feet of intermittent stream, 70 feet of perennial stream and 0.003 acres of wetlands.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the James City County Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant

must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on October 4, 2006.

If you have any questions about this project or the permit process, please call:

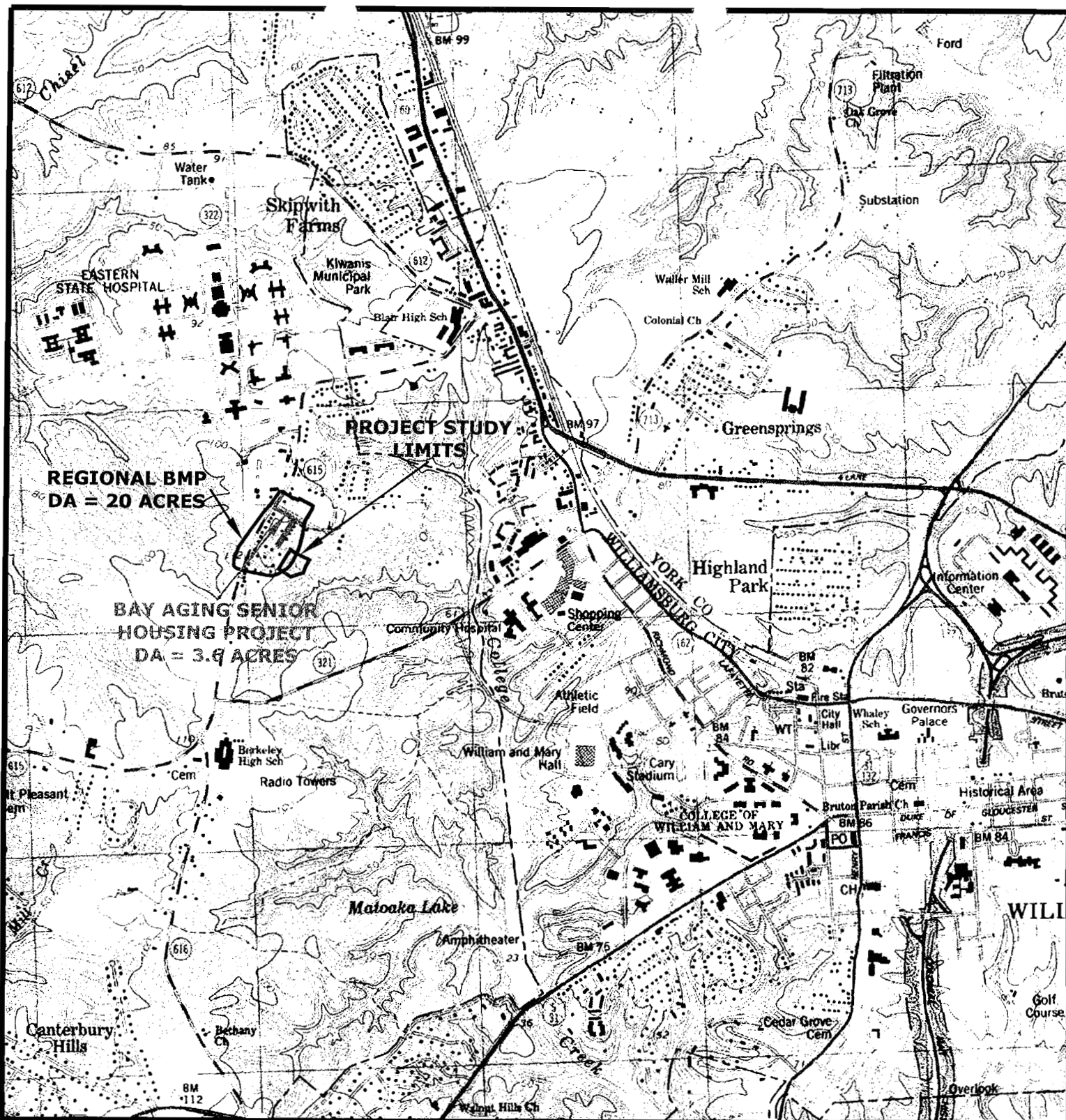
Cara Y. Sydnor at 757.201.7580

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachments:

1. Project location map
2. Project drawing



VICINITY MAP OF IRONBOUND ROAD REGIONAL BMP JAMES CITY COUNTY, VIRGINIA

JOB NUMBER: 22482

DATE: 6/24/05

SITE AREA: 2.43 ACRES

LATITUDE: 37°16'56" N

LONGITUDE: 76°44'01" W

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.



GRAPHIC SCALE



(IN FEET)
1 inch = 2,000 ft.

U.S.G.S. QUADRANGLES: WILLIAMSBURG

LOWER JAMES WATERSHED (HUC 02080206)

